

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC et al,

Defendants.

2:15-cv-01846-RCJ-VCF

ORDER

This case arises out of a foreclosure sale by a homeowners association. Pending before the Court is a Motion for Security of Costs (ECF No. 13). For the reasons given herein, the motion is granted.

Defendant SFR Investments Pool 1, LLC (“SFR”) moves the Court to order Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) to post a \$500 costs bond pursuant to Nev. Rev. Stat. 18.130(1). The Ninth Circuit recognizes that “federal district courts have inherent power to require plaintiffs to post security for costs.” *Simulnet E. Associates v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). A federal district court typically follows the forum state’s practice, particularly when a party is a non-resident. (*Id.*). Nev. Rev. Stat. 18.130(1) provides that a court may require an out-of-state plaintiff to post a security of costs in an amount up to \$500 upon a defendant’s request, if made within the time limited for answering the complaint. The

1 statute also requires all proceedings in the case to be stayed until the plaintiff deposits the
2 security with the clerk. *Id.*

3 SFR asserts that Wells Fargo is an out-of-state corporation with headquarters in South
4 Dakota, and a subsidiary of Wells Fargo & Company, a Delaware corporation with headquarters
5 in California. (Mot., 2, ECF No. 13). Wells Fargo has not submitted a response to SFR's motion.
6 SFR filed the motion on January 11, 2016, one day before its answer to the Complaint was due.
7 (*See* ECF Nos. 12, 13). The Court grants the motion.

8 **CONCLUSION**

9 IT IS HEREBY ORDERED that the Motion for Security of Costs (ECF No. 13) is
10 GRANTED.

11 IT IS FURTHER ORDERED that Plaintiff Wells Fargo Bank, N.A. shall post a security
12 bond in the amount of \$500 within 30 days of the entry of this order.

13 IT IS FURTHER ORDERED that all proceedings in the case are STAYED until Plaintiff
14 deposits the security bond with the Clerk.

15 IT IS SO ORDERED.

16 DATED: This 12th day of February, 2016.

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19 ROBERT C. JONES
20 United States District Judge
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